

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JULIE DELANEY and
WILLIAM P. DELANEY

Plaintiffs,
v.

ELI LILLY AND COMPANY,

Defendant.

Civil Action No. 05-CV-10241 (MLW)

**AFFIDAVIT OF AARON M. LEVINE, ESQ.
REGARDING AUTHENTICATION OF DOCUMENTS**

I, Aaron M. Levine, declare under penalty of perjury that the following is true and correct:

1. Attached as Appendix 1 is a true copy of the Scheduling Order in this case, dated April 22, 2005.

2. Attached as Appendix 2 is a true copy of pages 1-4 and the affirmation from Defendant Eli Lilly's Responses to Plaintiffs' First Set of Interrogatories, dated July 29, 2004.

3. Attached as Appendix 3 is a true copy of Defendant Eli Lilly and Company's Initial Disclosure Statement, dated May 6, 2005..

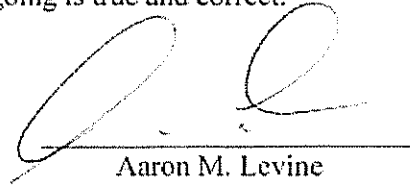
4. Attached as Appendix 4 is a true copy of pages 1-3 of Plaintiff Julie Delaney's Answers to Defendant's First Interrogatories, dated June 9, 2004.

5. Attached as Appendix 5 is a true copy of selected pages from the Drug Topics Red Book, Walter Cousins, ed., 1969.

6. Attached as Appendix 6 is a true copy of In re Complex DES Litigation, No. 830109 (Cal. Sup. Ct. Jul. 29, 1988).

7. Attached as Appendix 7 is a true copy of selected pages from the New York DES market share matrix.

I declare under penalty of perjury that the foregoing is true and correct.



A handwritten signature in black ink, consisting of a large, stylized 'A' followed by 'M. Levine', is written over a horizontal line.

Aaron M. Levine

Dated: December 4, 2006

Appendix 1

Scheduling Order in *Delaney v. Eli Lilly and Co.*

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JULIE DELANEY et al
Plaintiff(s)

v.

CIVIL ACTION
NO. 05-10241-MLW

ELI LILLY
Defendant(s)

SCHEDULING ORDER

WOLF, D.J.

This case is governed procedurally by the 1992 Amendments to the Local Rules of the United States District Court for the District of Massachusetts (the "Local Rules"), which implement the District's Civil Justice Expense and Delay Reduction Plan. Counsel must, therefore, comply with the relevant Local Rules in the litigation of this case.

It is hereby ORDERED pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16(f) that:

[X] 1. Any Motion to Amend the pleadings, or any Motion to File additional pleadings, shall be filed by MAY 27, 2005, and responses shall be filed as required by the applicable provisions of the Federal Rules of Civil Procedure.

[X] 2. The parties shall by MAY 6, 2005 make the automatic document disclosure required by Local Rule 26.2(A) and, if applicable, disclose the information required by Local Rule 35.1

[X] 3. The parties shall by MAY 6, 2005 make the disclosure authorized by Local Rule 26.1(B)(1) and (2).

[] 4. Discovery shall initially be limited to the issue(s) of The Statute of Limitations Defense and Product Identification, including, the deposition of the plaintiff, her mother, the pharmacist and the treating physician, and shall be complete by SEPTEMBER 30, 2005.

Case 1:05-cv-10241-MLW Document 24 Filed 04/22/2005 Prop 2 of 2, a schedule for filing motions for summary judgment will be established at this conference.

All provisions and deadlines contained in this Order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the Court or upon the request of counsel.

By the Court,
DENNIS P. O'LEARY

April 22, 2005
Date

/s/ Dennis O'Leary
Deputy Clerk

Appendix 2

Selection from Defendant's Responses to Plaintiff's First Interrogatories

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIE DELANEY, et al.,

Plaintiffs,

vs.

Civil Action No. 04-0349(ESH/AK)

ELI LILLY AND COMPANY,

Defendant.

**DEFENDANT ELI LILLY AND COMPANY'S RESPONSES TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES AND FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS AND/OR TANGIBLE THINGS**

COMES NOW defendant Eli Lilly and Company (hereinafter "Lilly"), by and through its attorneys, Foley Hoag, LLP, pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, and provides the following responses to Plaintiffs' First Set of Interrogatories and First Request for Production of Documents and/or Tangible Things to Defendant Eli Lilly and Company.

PRELIMINARY STATEMENT

As a preface to each and every response to plaintiffs' interrogatories and requests, Lilly qualifies its response by stating that Lilly has not completed its investigation of the facts relating to this case, has not completed its discovery in this action and has not completed its preparation for trial. Lilly reserves the right to amend or supplement these responses as discovery in the case progresses, as new facts are developed and as new information is obtained. Therefore, the following responses are given without prejudice to Lilly's right to produce any additional evidence at trial or in connection with any pretrial proceeding.

Some of the events relevant to this action occurred over sixty (60) years ago. Due to the lapse of time, many of the individuals having personal knowledge of these events are

deceased or otherwise unavailable and many of Lilly's documents are no longer available. As a consequence, Lilly's responses to these interrogatories and requests are necessarily limited by, and subject to, these qualifications.

The term diethylstilbestrol, as used in these responses, refers only to diethylstilbestrol. It does not refer to any chemically similar synthetic estrogen-like substance or to any congener of diethylstilbestrol.

GENERAL OBJECTIONS

OBJECTION A: Lilly objects to these interrogatories insofar as they seek information for time periods beyond August 3, 1970, the date of birth for plaintiff Julie Delaney, on the grounds that such information is not relevant to any issue in this lawsuit and would not lead to the discovery of admissible evidence. It is apparent that no action by Lilly, its employees or any other person subsequent to that date could have any effect upon plaintiff Julie Delaney's alleged exposure to diethylstilbestrol.

OBJECTION B: Lilly objects to these interrogatories to the extent they seek information unrelated to the use of diethylstilbestrol for the prevention of certain accidents of pregnancy. The prescription drug, diethylstilbestrol, was approved by the Food and Drug Administration (FDA) for a variety of human uses other than use as an aid in the prevention of certain accidents of pregnancy. These indications did not involve the use of diethylstilbestrol in pregnant women, the only use that plaintiffs allege in their complaint and the only use relevant to this action. Accordingly, information concerning other uses for diethylstilbestrol is irrelevant and has no bearing upon the issues in this case nor is discovery into those uses reasonably calculated to lead to the discovery of evidence admissible at trial.

OBJECTION C: Lilly objects to these interrogatories to the extent they seek information concerning the manufacture, distribution or sale of diethylstilbestrol in sizes and

forms other than 5 and 25mg oral dosage forms, on the grounds that information concerning dosage sizes other than those indicated for use in prevention of accidents of pregnancy is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

OBJECTION D: Lilly objects to these interrogatories to the extent they seek information relating to injuries or adverse effects other than those alleged by plaintiffs on the grounds that such information is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

OBJECTION E: Lilly objects to these interrogatories to the extent they seek information protected by the attorney-client and/or the attorney work product privilege.

OBJECTION F: Lilly objects to these interrogatories to the extent that they are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

OBJECTION G: Lilly objects to these interrogatories and definitions on the grounds that they are vague and overbroad to the extent they may exceed the scope of discovery allowed pursuant to the Federal Rules of Civil Procedure.

INTERROGATORIES

1. Non-Lilly Contention

Do you contend that Plaintiff Julie Delaney was not exposed to the Lilly brand of diethylstilbestrol ("DES")? If so, state the factual basis of your contention.

RESPONSE: Lilly incorporates herein its objections E and G. Lilly further objects to this interrogatory as an improper attempt by plaintiffs to require Lilly to prepare plaintiffs' case. Lilly further states that plaintiffs have the burden of proving the facts necessary to establish the elements of their alleged cause of action, including the cause of any alleged injuries. Without waiving and subject to its objections, Lilly states that it has not completed its investigation and discovery in this matter, and cannot fully respond to this interrogatory at this

time. Because such information is not within the direct knowledge of Lilly, Lilly can only respond to the extent that the information is obtained through discovery, which is still ongoing. However, documents such as the *American Druggist Blue Book* and the *Drug Topics Red Book* show that many manufacturers had DES available for purchase by Hingham, Massachusetts pharmacies in 1970. The fact that many manufacturers' DES was available for purchase by pharmacies in Hingham, Massachusetts in the relevant time period is evidence that the DES allegedly taken by Plaintiff's mother, prior to her birth, could have been manufactured and sold by companies other than Lilly. Lilly's attorneys are currently investigating this issue and this answer will be supplemented if information responsive to this interrogatory is discovered. At the present time, the witnesses identified by plaintiffs may have information concerning the manufacturer(s) of any medications plaintiff's mother allegedly ingested during her pregnancy with plaintiff.

2. Witness for Non-Lilly Contention

Identify each and every individual(s) known to you, your attorneys or investigators, who may have any information concerning the identity of the brand of DES as set forth above.


RESPONSE: Lilly incorporates herein its response to Interrogatory No. 1.

3. White Cross Score

Do you contend that in the year of exposure as set forth in the Complaint, any manufacturer other than you, bottled or distributed DES in the dosage sizes indicated for use in prevention of accidents of pregnancy, as a round, white cross-scored non-imprinted tablet? If your answer is yes, identify the product or the manufacturer and any documents (by date, description or custodian), upon which you rely in making this statement. For your information, it

.....
Tangible Things to Defendant Eli Lilly and Company but that many of the facts set forth in such Responses are not within his personal knowledge, having been assembled and compiled by others within the employ of Eli Lilly and Company at his direction, as to which facts he is informed and believes the same to be true and that the remaining facts are known by him to be true.

Subscribed and sworn to before me this 29th day of July, 2004.


Jean C. Ballinger, Notary Public
Resident of Marion County, IN
My Commission Expires: 01/05/09

Appendix 3

Defendant's Initial Disclosure Statement

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JULIE DELANEY and
WILLIAM P. DELANEY

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

CIVIL ACTION No. 05-CV-10241 (MLW)

**DEFENDANT ELI LILLY AND COMPANY'S
INITIAL DISCLOSURE STATEMENT**

Defendant Eli Lilly and Company ("Lilly") makes the following initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) based upon the information reasonably available to Lilly at this time. Lilly respectfully reserves the right to amend or supplement this disclosure.

PRELIMINARY STATEMENT

Some of the events relevant to this action occurred more than sixty (60) years ago. Due to the lapse of time, many of the individuals having personal knowledge of such events are deceased or otherwise unavailable and many of Lilly's documents are no longer available. As a consequence, the information contained in Lilly's Initial Disclosure Statement is necessarily limited by, and subject to, these qualifications.

Lilly reserves the right to object to the admissibility of any information contained in this Initial Disclosure Statement. Further, Lilly's disclosures are limited to information prior to the date of plaintiff's birth.

I. Rule 26(a)(1)(A) – People Likely to Have Discoverable Information

The following individuals are likely to have discoverable information that Lilly may use to support its claims or defenses:

A. Individuals identified in plaintiff's Complaint and other materials provided by plaintiff, including, but not limited to:

1. Julie Lee Delaney
Plaintiff's allegations and conditions
118 Walnut Street
Middleboro, MA 02346
2. William P. Delaney (plaintiff's husband)
Plaintiff's allegations and conditions
118 Walnut Street
Middleboro, MA 02346
3. Barbara Ann O'Leary (plaintiff's mother)
Plaintiff's allegations and conditions as well as her own conditions
68 Mandalay Road
South Weymouth, MA 02190
4. Leo Francis O'Leary (plaintiff's father)
Plaintiff's allegations and conditions as well as his wife's conditions
68 Mandalay Road
South Weymouth, MA 02190
5. Daniel Schust, M.D. (plaintiff's treating physician)
Conditions and treatment of plaintiff
Department of Obstetrics and Gynecology
Division of Reproductive Medicine
Brigham and Women's Hospital
75 Francis Street
Boston, MA 02115
6. Martha Ehrmann, M.D. (plaintiff's treating physician)
Conditions and treatment of plaintiff
South Shore Women's Health
851 Main Street, Suite 19
Weymouth, MA 02190
7. Darlyne Johnson, M.D. (plaintiff's treating physician)
Conditions and treatment of plaintiff
South Shore Women's Health
851 Main Street, Suite 19
Weymouth, MA 02190
8. Deborah Wooten, M.D. (plaintiff's treating physician)
Conditions and treatment of plaintiff
201 River Street
Norwell, MA 02061

9. Rachel Ashby, M.D. (plaintiff's treating physician)
Conditions and treatment of plaintiff
Department of Obstetrics and Gynecology
Division of Reproductive Medicine
Brigham and Women's Hospital
75 Francis Street
Boston, MA 02115
 10. Rafik Mansour, M.D. (plaintiff's treating physician)
Conditions and treatment of plaintiff
Boston Health Care for Women
500 Brookline Ave., Suite A
Boston, MA 02115
 11. Elena Yanushpolsky, M.D. (plaintiff's treating physician)
Conditions and treatment of plaintiff
Department of Obstetrics and Gynecology
Division of Reproductive Medicine
Brigham and Women's Hospital
75 Francis Street
Boston, MA 02115
617-732-4648
 12. Dr. Patricia McShane (plaintiff's medical expert)
Causation
P.O. Box 9
Lexington, MA 02420-0001
800-858-4832
- B. Individuals identified by Lilly as experts on causation, state of the art, epidemiology, and efficacy:
1. A. Brian Little, M.D.
State of the Art/ Efficacy
Department of Obstetrics and Gynecology
UMDNJ- New Jersey Medical School
185 South Orange Avenue
MSB E506
Newark, NJ 07103
973-972-4127
 2. Eugene D. Albrecht, Ph.D.
Reproductive Endocrinologist on Efficacy
Department of Obstetrics and Reproductive Systems
University of Maryland School of Medicine
Bressler Research Laboratories, 11-017
655 West Baltimore Street

Baltimore, MD 21201
410-706-3391

3. Richard E. Blackwell, Ph.D., M.D.
Reproductive Endocrinologist on Causation
Professor of Obstetrics and Gynecology
UAB School of Medicine
Department of Obstetrics and Gynecology
555 Old Hillman Building
618 20th Street South
Birmingham, AL 35249-7333
205-934-6090
4. Karin E. Michels, Sc.D.
Epidemiology
Assistant Professor of Obstetrics, Gynecology and Reproductive Biology
Harvard Medical School
Obstetrics and Gynecology Epidemiology Center
221 Longwood Avenue
Boston, MA 02115
617-732-8496
- C. Don Carlos Hines, M.D. (Deceased)
Safety, Efficacy, Testing, FDA, NDA, and Lilly Factual Information relating to diethylstilbestrol
(By prior testimony; transcripts of Dr. Hines' testimony are available.)
- D. Edith M. Potter, M.D. (Deceased)
Safety and Efficacy of diethylstilbestrol
Non-Lilly Employee
(By prior testimony; transcripts of Dr. Potter's testimony are available.)
- E. Theodore G. Klumpp, M.D. (Deceased)
FDA matters relating to diethylstilbestrol
Non-Lilly Employee
(By prior testimony; transcripts of Dr. Klumpp's testimony are available.)
- F. Lilly Employee(s) or Former Employee(s) in sales area who may become relevant as facts are developed. To be determined.

This list is based upon the allegations contained in plaintiff's Complaint and on plaintiff's written discovery responses. Lilly anticipates that discovery into plaintiff's allegations may reveal additional individuals likely to possess discoverable information that Lilly may use to

support its claims or defenses. Lilly will supplement this list to the extent necessary if additional individuals likely to possess discoverable information are identified.

II. Rule 26(a)(1)(B) – Relevant Documents and Tangible Things

Lilly has made available to plaintiff's attorneys, in DES litigation unrelated to this case, a copy of relevant documents and tangible things in Lilly's possession, including Lilly's New Drug Application files for diethylstilbestrol, Lilly's product literature files for diethylstilbestrol, and certain correspondence that Lilly has identified as exhibits in other DES cases.

Lilly anticipates that discovery into plaintiff's allegations may reveal additional information or plaintiff may have specific requests for documents or tangible things. Lilly expects that documents relevant to this action will include medical records from plaintiff, spouse and mother, and documents and tangible things listed in plaintiff's Initial Disclosure Statement. Lilly reserves the right to update this list as additional information becomes available or is requested by plaintiff.

III. Rule 26(a)(1)(C) – Computation of Damages

Not applicable.

IV. Rule 26(a)(1)(D) – Insurance Information

Lilly states that the issues surrounding Lilly's insurance coverage for diethylstilbestrol claims are complex. Because of disputes over possible insurance coverage, Lilly filed a lawsuit against certain insurance carriers who Lilly claimed had responsibility to provide coverage for certain diethylstilbestrol claims. This lawsuit resulted in several decisions, including opinions of the United States Court of Appeals for the District of Columbia, 794 F.2d 710 (D.C. 1986), and the Indiana Supreme Court, 482 N.E.2d 467 (Ind. 1985).

The litigation between Lilly and its insurers has been settled. The terms and conditions of the settlement agreement are confidential. The parties to the litigation, including Lilly, are

precluded from disclosing the agreement or its contents by an order entered on November 18, 1987, by the United States District Court for the District of Columbia.

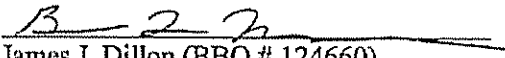
Lilly further states that it has currently available sufficient unencumbered assets to pay the damages alleged by plaintiffs in this action.

This disclosure is based on information reasonably available to Lilly as of the date of this disclosure. In making this disclosure, Lilly does not represent that it is identifying every individual, document, or tangible thing upon which it may rely to support its claims or defenses, nor does Lilly waive its right to object to production or to the use in this proceeding of any document or tangible thing on the basis of any privilege, the work product doctrine, relevancy, undue burden, competency, materiality, hearsay or any other valid objection. Rather, Lilly's disclosure represents its good faith effort to identify information as required by Fed. R. Civ. P. 26(a)(1).

Respectfully submitted,

ELI LILLY AND COMPANY

By Its Attorneys,


James J. Dillon (BBO # 124660)
Brian L. Henninger (BBO # 657926)
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02111-2600
617-832-1000

Dated: May 6, 2005

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Initial Disclosure Statement was served on May 6, 2005 by .pdf file via electronic mail, upon:

Aaron M. Levine, Esq.
Aaron M. Levine and Associates
1320 19th Street, N.W., Suite 500
Washington, D.C. 20036
Attorneys for Plaintiffs



Appendix 4

Selection from Plaintiff's Answers to Defendant's First Interrogatories

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIE DELANEY and WILLIAM P.
DELANEY

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

CIVIL ACTION No. 04-CV-00349 (ESH)

PLAINTIFF JULIE DELANEY'S
ANSWERS TO DEFENDANT ELI LILLY AND COMPANY'S
FIRST SET OF INTERROGATORIES

1. Please state your full legal name, your social security number and your date and place of birth, including the name and address of the hospital at which you were born, if any. If you have ever been known by any other name or names, please state each such name and where and when such other name was used.

ANSWER: a. Julie Lee Delaney
b. SSN: 015-62-8321
c. DOB: 8/3/70
d. Quincy City Hospital, 114 Whitwell Street, Quincy, MA 02169
e. Julie Lee O'Leary (1970 - 1997)
Julie Lee Delaney (1997 - present)

2. Please state your present residential address and all former residential addresses and the inclusive dates for each.

ANSWER: a. 118 Walnut Street
Middleboro, MA 02346
(2000 - present)
b. 48 Russell Road
Weymouth, MA 02190

3. Please state your marital status. If married, please state your spouse's full legal name, his residential address and the date of your marriage. If formerly married, for each spouse, please state his full legal name, his present residential address, the date of your marriage, the date of its termination, and the method by which it was terminated (e.g., annulment, divorce, death of spouse).

ANSWER: a. Married
b. William Paul Delaney
c. Address: 118 Walnut Street, Middleboro, MA 02346
d. Date of Marriage: 3/15/97

4. Please state the full legal name of each of your parents, including your mother's maiden name, their places and dates of birth and their current residential address or addresses. If either of your parents is deceased, please state the date, place and cause of death.

ANSWER: a. Mother: Barbara Ann O'Leary
i. Barbara Ann Kuja
ii. DOB: 7/1/29
iii. Place of Birth: Quincy, MA
iv. Address: 68 Mandalay Road, South Weymouth, MA 02190
b. Father: Leo Francis O'Leary
i. DOB: 11/26/30
ii. Place of Birth: Boston, MA
iii. Address: 68 Mandalay Road, South Weymouth, MA 02190

5. Please state the address of each residence of your mother for the period beginning five years prior to the date of birth of your mother's first child through the present.

- ANSWER:
- a. 50 Shawmut Street
Quincy, MA 02169
(Previously)
 - b. 7 Belmont Street
Wollaston, MA 02171
(1958 - 1963)
 - c. 223 Ralph Talbot Street
South Weymouth, MA 02190
(1963 - 1970)
 - d. 68 Mandalay Road
South Weymouth, MA 02190
(1970 - present)

6. If you contend that your mother took diethylstilbestrol ("DES" or "stilbestrol") during her pregnancy with you, please state the name and address of each physician who prescribed it; if any physician who prescribed DES is deceased, please state the name and address of the current custodian of his or her medical records; and please state the purpose for which the drug was prescribed.

- ANSWER:
- a. Quincy OB-GYN, including Drs. Carey, McKeogh, Sullivan, Cotter and Doyle
 - b. Address: 30 Beach Street, Quincy, MA 02170
 - c. Quincy OB-GYN is the current custodian of medical records.
 - d. Stilbestrol prescribed to prevent miscarriage.

7. Please identify, by name and address, each pharmacy or other supplier that dispensed the DES allegedly ingested by your mother while pregnant with you. If you do not know the name of the pharmacy, please state the name and address of each pharmacy or retail drug outlet that was patronized by your mother or father during the twelve months that preceded your birth.

ANSWER: Plaintiff's mother's recollection is that she purchased the DES in Hingham, MA.

Plaintiff reserves the right to supplement this answer as discovery progresses.

8. Describe in detail the physical appearance of the diethylstilbestrol you allege your mother ingested, including its form (for example, pill, injection, capsule), the shape, color, or size of any pill, tablet or capsule, the dosage of the DES your mother took, and any markings that may have appeared on the product.

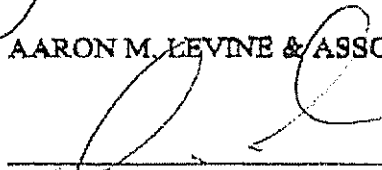
preparation with declarant.

I SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTY OF PERJURY
THAT THE INFORMATION CONTAINED IN THE FOREGOING ANSWERS TO
INTERROGATORIES ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dated: 4/26/04


JULIE DELANEY, Declarant

AARON M. LEVINE & ASSOCIATES


Aaron M. Levine, #7864
1320 19th Street, N.W.
Suite 500
Washington, D.C. 20036
(202) 833-8040

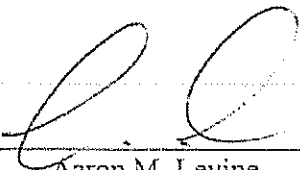
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of June, 2004, a true and correct copy of the foregoing Plaintiff Julie Delaney's Answers to Defendant Eli Lilly and Company's First Set of Interrogatories was served via first class, postage prepaid, U.S. Mail, on counsel for Defendant:

James J. Dillon, Esq.
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02210-2600

Lawrence H. Martin, Esq.
FOLEY HOAG LLP
1875 K Street, N.W.
Suite 800
Washington, D.C. 20006



Aaron M. Levine

Appendix 5

Selection from the Drug Topics Red Book

1969 EDITION

Drug Topics*Red Book*

SEVENTY-SECOND YEAR OF PUBLICATION

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Drug Topics Red Book

Published Annually

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Walter Covatta, Jr. Editor

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New York: Robert McFall, William F. Dietz, Thomas Byrne, E. C. Weymouth, Jr., Paul E. Savage, Henry J. Corvillo	
New England: Martin J. Elberhardt	
Chicago: John J. Walsh, Richard Sutton	
Cleveland: Lawrence A. Martin	
Los Angeles: The P. Jones Company	

Appendix 6

In re Complex DES Litigation, No. 830109 (Cal. Sup. Ct. Jul. 29, 1988)

373
Plgs

FILED
San Francisco County Superior Court

JUL 29 1988

DONALD W. DICKSON, Clerk

BY Michael H. Hirsch
Deputy Clerk

CALIFORNIA SUPERIOR COURT
CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT NUMBER EIGHTEEN

In re:)	NO. 830100
)	
COMPLEX DES LITIGATION.)	GENERAL ORDER NO. 29:
)	ORDER APPROVING MATRIX
)	

The court continues to address "the practical problems involved in deferring the market and determining the market share," as conceived in Sindell v. Abbott Laboratories (1980) 26 Cal.3d 588. General Order No. 26 attempted to define the market under the broad concepts of Sindell. On March 31, 1988, a unanimous Supreme Court affirmed prior General Orders of this court and gave specific guidance for the formulation of a market share equation. The case of Brown v. Superior Court (1988) 44 C.3d 1049 has resolved the issues which this court attempted to formulate inferentially from the language of Sindell.

The Brown opinion affirmed this court's ruling that the defendants could not be held strictly liable for the alleged defects in DES but only for their failure to warn of known or

1 knowable side effects of the drug. The court further affirmed
2 that neither breach of warranty nor fraud will lie in an action
3 based on the market share theory. Finally, the Brown opinion
4 affirmed the previous general order precluding joint~~ed~~^{and} and several
5 liability. The Supreme Court specifically held that under
6 Sindell a defendant is only severally liable for its actual
7 market share and concluded that the "... imposition of joint
8 liability on defendants in a market share action would be
9 inconsistent with this rationale." Brown, supra, p. 1075.

10 The market share fashioned by this court must "...
11 achieve as close an approximation as possible between a DES
12 manufacturer's liability for damages and its individual
13 responsibility for the injuries caused by the product it
14 manufactured." Brown, supra, p. 1075.

15 The mandate of the Brown decision requires a reexamination
16 of the application of General Order No. 26. It is clear from the
17 evidence that the market shares developed in accord with the
18 guidelines of General Order No. 26 result in inflated shares to
19 many companies. Such an inflation was specifically and
20 unequivocally rejected in Brown, supra.

21 "... Each defendant would be held liable
22 for the proportion of the judgment represented
23 by its market share, and its overall liability
24 for injuries caused by DES would approximate
25 the injuries caused by the DES it manufactured.
26 A DES manufacturer found liable under this
27 approach would not be held responsible for
28 injuries ~~caused~~ by another producer of the
drug. The opinion acknowledged that only an
approximation of a manufacturer's liability
could be achieved by this procedure, but
underlying our holding was a recognition that
such a result was preferable to denying
recovery altogether to plaintiffs injured by
DES." Brown, supra, p. 1074.

1 Thus, the court finds that it must modify its opinion of
2 General Orders No. 26 and 27 and hold that the Sindell concept
3 of likelihood as defined by Brown is to develop a matrix which
4 attempts to ascribe only the actual market shares of the known
5 companies in the DES market during the relevant times.

6 The court finds, consistent with its holding in General
7 Order No. 26, that Dr. Grabowski "... adopted a clear,
8 reasonable, and comprehensive approach to establishing a
9 reliable calculation for determining the market shares."
10 General Order No. 26, page 11. When examining Dr. Grabowski's
11 methods in light of Brown, the only conclusion is that the court
12 must adopt the matrix offered as Exhibit B to his Declaration
13 introduced as Exhibit No. 20² to Phase Three, Market Share
14 Trial. The court expressly had adopted Dr. Grabowski's method
15 because the determination of the denominator was a clear
16 approach with a reality check that was reasonable.

17 Therefore, the court now finds that the matrix for a
18 determination of a market share of an individual company in the
19 relevant Sindell market shall be that set forth at Exhibit B to
20 Dr. Grabowski's Declaration as explained at the Matrix Hearing
21 on April 22, 1988.

22 The court finds that ascribing "nominal shares" to those
23 companies without data does not comport with the mandate of
24 Brown and the court finds that the assignment of nominal share
25 would be of no assistance to a plaintiff in establishing a
26 substantial share threshold.


27 Brown clearly points out that the market share theory is
28 a carefully crafted balance between no remedy for a plaintiff

1 and the imposition of liability on defendants who are sued
2 despite there being likelihood that their products could have
3 caused a plaintiff's alleged injury. Brown, supra, at p. 1075.
4 The principle is that Sindell does not guarantee recovery but
5 assures recovery where a reasonable likelihood of the cause of
6 harm can be established.

7 The court now orders that Exhibit B shall be
8 determinative of market shares for the purpose of establishing
9 liability in all cases in this complex litigation.

10 Liaison counsel for defendants shall cause a copy of the
11 matrix to be served on all parties.

12 DATED: July 29, 1988

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15 DANIEL M. HARLON
16 Judge of the Superior Court
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TUSKILWOOD - SHARE VALUES US PER COMMON ORDER 26) - 25 MO

000002

NAME	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968
ABOTT	0.8677	0.7334	0.5088	0.1218	0.0728	0.0728	0.0728	0.0728	0.0728	0.0728	0.0728
AMERICAN DRUG	0.0728	0.0728	0.0728	0.0728	0.0728	0.0728	0.0728	0.0728	0.0728	0.0728	0.0728
AMERICAN PHARM	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202
APOTHECARY	7.1198	10.3834	11.3774	9.6754	7.9479	7.0345	6.2068	4.5002	4.7897	3.5567	1.9949
ARGOS	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600
ATLAS	0.0331	0.0331	0.0331	0.0221	0.0110	0.2600	0.1733	0.0867	0.0867	0.0867	0.0867
BACER	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600
BACER-HIND PHARM	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600
BARRE DRUG	0.0454	0.1199	0.2575	0.3668	0.4275	0.4445	0.4712	0.4585	0.5149	0.5392	0.5032
BOYLE	0.1712	0.1585	0.1494	0.0778	0.0668	0.0100	0.0100	0.0100	0.0100	0.0100	0.0100
BREMER	2.5544	3.8763	1.9876	0.0100	0.0100	0.0100	0.0100	0.0100	0.0100	0.0100	0.0100
BRYANT PHARM	0.5824	0.5824	0.5824	0.5824	0.5824	0.5824	0.5824	0.5824	0.5824	0.5824	0.5824
BURGESS BELLCORE	0.1526	0.1095	0.0614	0.0365	0.0005	0.2714	0.2714	0.2714	0.2714	0.2714	0.1809
CARMICHAEL	0.2714	0.2714	0.2714	0.2714	0.2714	0.2714	0.2714	0.2714	0.2714	0.2714	0.2714
CHASE DRUG	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600
CHICAGO PHARM	0.1458	0.1458	0.1458	0.1458	0.0972	0.0486	0.2600	0.1733	0.0867	0.2714	0.1809
CLBA											
COLE CHEMICAL CO.											
COLUMBIA	0.2734	0.3536	0.5150	0.7334	0.8550	0.8890	0.9423	0.9171	1.0297	1.0784	1.0063
COMLEY	0.2902	0.2902	0.2902	0.2902	0.2902	0.2902	0.2902	0.2902	0.2902	0.2902	0.2902
CORRETT LUMS	0.2020	0.2020	0.2020	0.2020	0.2020	0.2020	0.2020	0.2020	0.2020	0.2020	0.2020
CORROTT PHARM	0.4160	0.4160	0.4160	0.4160	0.4160	0.4160	0.4160	0.4160	0.4160	0.4160	0.4160
EMPIRE DRUG	0.3647	0.3647	0.3647	0.2431	0.1216	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315
EVROM	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315
EXCEL	0.1608	0.1608	0.1608	0.1608	0.1140	0.1072	0.0536	0.2660	0.3965	0.6533	0.6021
FARMWAY											
GOLD LEAF PHARM	0.1354	0.1354	0.1354	0.1354	0.1354	0.1354	0.1354	0.1354	0.1354	0.1354	0.1354
HAWK LUMS	1.2426	1.2426	1.2426	1.2426	1.2426	1.2426	1.2426	1.2426	1.2426	1.2426	1.2426
HARVEY	0.0639	0.1318	0.2146	0.3057	0.2850	0.2222	0.0785	0.8284	0.4142	0.1354	0.0903
HOMER A WHITE	3.3792	3.3792	3.3792	3.3792	3.3792	2.2481	1.1241	0.0459	0.1884	0.5033	0.6206
IMCOX	0.6130	0.6130	0.6130	0.6130	0.6130	0.6130	0.6130	0.6130	0.6130	0.6130	0.6130
JAM LUMS	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600
K & H PHOS	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600	0.2600
KEY	0.0177	0.0616	0.1441	0.1954	0.1140	0.0535	0.0351	0.0250	0.0222	0.0175	0.0121
KLEINER	0.0733	0.0680	0.0658	0.0719	0.0587	0.0727	0.0150	0.1214	0.1214	0.1214	0.1214
KOENIGS LUMS	0.1214	0.1214	0.1214	0.1214	0.1214	0.1214	0.1214	0.1214	0.1214	0.1214	0.1214
LANE	0.1416	0.1416	0.1416	0.1416	0.1416	0.1416	0.0944	0.0472	0.0472	0.0472	0.0472
LIFE LUMS	20.1171	21.1573	25.7125	31.6982	31.7695	29.2534	28.9453	27.5400	33.4141	34.1415	35.1789
LILLY											
LICKMAN	0.2738	0.1798	0.5305	0.5305	0.5305	0.5305	0.5305	0.5305	0.5305	0.5305	0.5305
LUSTIGER	0.5305	0.5305	0.5305	0.5305	0.5305	0.5305	0.5305	0.5305	0.5305	0.5305	0.5305
MILLICKOOT	0.7308	0.7308	0.8963	1.0931	0.8738	0.8738	0.2042	0.0477			
MONEY	0.1023	0.0949	0.0919	0.1005	0.0621	0.0305					
MORSEWILL	1.3195	1.2900	1.4982	1.6531	1.3663	0.9980	0.3050				
RAVENHOLD	0.2600	0.2600	0.1733	0.0867							
RENEIL	0.1037	0.0810	0.5845	0.4232	0.2179	0.0406	0.1951	0.0976			
RECK	0.5525	0.5394	0.2558	0.1223	0.2927	0.2927					
REVER CHEM	0.1798	0.2373	0.2558	0.1223	0.2927	0.2927					
ROBERTA	0.2927	0.2927	0.2927	0.2927	0.2927	0.2927					
ROTHMAN	0.0286	0.0763	0.0763	0.0763	0.0763	0.0763					
NATIONAL DRUG LABS	0.0763	0.0763	0.0763	0.0763	0.0763	0.0763					
KORWICH PHARM. CO.											
TRIX DRUG	0.1986	0.2973	0.2973	0.2973	0.2973	0.2973	0.1219	0.1219	0.1219	0.1219	0.1219

TUNLWOOD SHARE VALUES GAS PER GENERAL ORDER 260 - 25 NO

000021

NAME	YEAR	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968
PERSON & COVEY		0.6642	0.6386	0.3956	0.3006	0.2111	0.1097	0.2430	0.3974	0.4774		
PHYSIC'S DRUG & SUPPLY		0.7289	0.7289	0.7289	0.7289	0.7289	0.4859					
PRENO		0.8629	0.7558	0.8416	0.9331	1.1117	1.3207	1.5074				
PRESTON LABS												
REYNOLDS		0.0056	0.0028	0.0240	0.0127	0.0131	0.4812	0.4756	0.4109	0.3776	0.2955	0.1925
REYNOLDS		0.0161	0.0151	0.7595	0.6006	0.5626	0.0386	0.0372	0.0278	0.0260	0.0252	0.0170
REYNOLDS		0.7717	0.7714	0.0550	0.0536	0.0479						
ROGER		0.0581	0.0550	0.0557	0.0734	0.0734						
ROGELL		0.1734	0.1199	0.1030	0.0734	0.0734						
ROGELL		0.3631	0.3305	0.3591	0.2888	0.2792	0.1826	0.1336	0.1023	0.0680	0.0412	
SMITH, CARROLL, DEBART		0.6050	0.3025	0.0100	0.0100							
SMITH, DOBNEY												
SMITH		5.2045	5.5077	6.3696	7.6307	7.5925	6.8379	6.7075	6.0069	6.4449	5.8386	4.4386
STRANLEY		0.3797	0.6233	0.8309	1.1836	1.7613	2.3461	2.3490	1.8158	2.1831	3.3719	3.8106
STRANLEY		0.2604	0.2692	0.2575	0.2699	0.3080	0.3173	0.3387	0.3899	0.3986	0.4153	0.4803
STRANLEY												
TRAILOR LABS		0.9061	0.9061	0.9061	0.9061	0.6041	0.3020	0.7224	0.5197	0.1716	0.1797	0.0000
TOOMEY PHARMACY		0.6085	0.5257	0.5028	0.5271	0.6014	0.8001	0.7224	0.5197	0.1716	0.1797	0.0000
TUFA		0.2827	0.3059	0.2762	0.2851	0.3038	0.2987	0.2904	0.2629	0.2471	0.1869	0.1208
TURNER		0.0100										
UPSON		0.5035	0.5979	0.6369	0.5445	0.1887	0.0450	0.0797	0.0584	0.0512	0.0368	0.0256
UTERLIE		0.1542	0.1431	0.1385	0.1514	0.1236	0.1144	0.4836	0.2418			
V.C.B.		0.7255	0.7255	0.7255	0.7255	0.7255	0.7255					
WEBSTER												
WESTBRO		0.4015	0.4151	0.3970	0.4162	0.4749	0.4891	0.5222	0.6011	0.6146	0.6403	0.8950
TOTAL ALLOCATED SHARE		65.2935	70.9364	75.4454	78.8185	75.8813	69.0900	63.8806	55.4383	60.8141	62.2792	58.0913
TOTAL UNALLOCATED SHARE		34.7065	29.0636	24.5546	21.1815	24.1187	30.9100	36.1194	44.5617	39.1859	37.7208	41.9087

LIKELIHOOD - SHARE VALUES GAS PER GENERAL ORDER 26) - 25 MO

NAME	1969	1970	1971
ABBOTT	0.0728	0.0485	0.0243
AMERICAN DRUG	5.0202	5.0202	5.0202
AMERICAN PHARM	2.5161	5.4070	9.3330
AMFAL-GEMINI			
ARGUS	0.0100		
ATLAS			
BAKER			
BARNES-HIND PHARM	0.5074	0.5110	0.6708
BARRE DRUG			
BOYLE			
BREWER			
BRYANT PHARM			
BURROUGHS WELLCOME			
CARMICK	0.0905		
CARRILL CHEN			
CHASE CHEN			
CHICAGO PHARM			
CIBA			
COLE CHEMICAL CO.			
COLUMBIA	0.6765	0.3406	
COLEY	0.2902	0.1935	0.0967
DIRECT LABS	0.2020	0.2020	0.1547
DUNN PHARM	0.1387		
EMPIRE DRUG			
EVROM	0.1315	0.0876	0.0408
EXCEL			
FREEDMAN	0.3754	0.1220	
GOLD LEAF PHARM	0.0451		
HARROCK LABS	0.4905	0.2044	
HARLEY			
HANCE & WHITE	0.6120	0.6120	0.6120
INCHER	0.2600	0.1733	0.0867
JAM LABS			
K & H PHARM			
KEY			
KIRKMAN	0.0081	0.0092	0.0107
KIRKMAN LABS			
LAWRETT	0.1214	0.1214	0.1214
LIFE LABS			
LILLY	23.5739	24.2665	24.4655
LINDA H			
LUSTGARTEN	0.5305	0.3537	0.1768
MALINKERDOT			
MANN			
MESSENGILL			
MYRIMAD			
PCHELL			
PEREK			
PEYER CHEN			
PHARM			
NATIONAL DRUG LABS			
NATIONAL DRUG LABS	0.1219	0.1219	0.0813
NORWICH PHARM. CO.			
PURE DRUG			

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Appendix 7

Selections from the New York DES Matrix

NY SETTLEMENT SHARES 25 MG

"SJ" represents that the corresponding company has been granted summary judgment in the NY Market Share proceeding. All shares are expressed as percentages.

	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
ABBOTT	0.8067	0.5597	0.1210	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
AMERICAN HOME PROD	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
AMERICAN PHARM	5.5222	5.5222	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202	5.0202
AMFEE GRANT (EMONS	8.3067	9.1019	7.7403	6.3583	5.6276	4.9654	3.4402	3.8318	2.8454	1.5959	2.0129	4.3256	7.4664
AYERST LABORATORIE	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
BARRE	0.1319	0.2833	0.3668	0.4275	0.4445	0.4712	0.4585	0.5149	0.5392	0.5032	0.5074	0.5110	0.6708
BOEHRINGER (INGELHEI	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
BOYLE	0.1744	0.1643	0.0778	0.0068	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
BREON	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
BREWER	4.2639	2.1864	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
BRYANT PHARM	0.6406	0.6406	0.5824	0.5824	0.5824	0.5824	0.5824	0.5824	0.3882	0.1941	SJ	SJ	SJ
CARNALICK	0.1205	0.0675	0.0265	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
CHASE	0.2860	0.2860	0.2600	0.2600	0.2600	0.2600	0.1733	0.0867	SJ	SJ	SJ	SJ	SJ
CIBA	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
COLE	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
DEXTER	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
EVRON	0.1447	0.1447	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315	0.1315	0.0876	0.0436
HAACK LABS	1.3669	1.3669	1.2426	1.2426	1.2426	0.8284	0.4142	SJ	SJ	SJ	SJ	SJ	SJ
HALSEY	0.1460	0.2361	0.3057	0.2850	0.2222	0.0785	0.0459	0.1888	0.5033	0.6206	0.4905	0.2044	SJ
HANCE & WHITE	3.7094	3.7094	3.3722	3.3722	2.2481	1.1241	SJ	SJ	SJ	SJ	SJ	SJ	SJ

* For all dosage sizes, shares derived from Perloff 1 matrices, except for 100 mg, derived from Beck 100 mg matrix.

NY SETTLEMENT SHARES 25 MG

"SJ" represents that the corresponding company has been granted summary judgment in the NY Market Share proceeding.
All shares are expressed as percentages.

	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
* HARTZ (FERINDALE)	0.1721	0.3160	0.4377	0.3111	0.0888								
IVES LABORATORY	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
KEY	0.0678	0.1607	0.1956	0.1140									
KIRKMAN	0.0748	0.0724	0.0719	0.0587	0.0535	0.0351	0.0250	0.0222	0.0175	0.0121	0.0081	0.0082	0.0107
KREMER'S URBAN	0.3122	0.3752	0.3914	0.2603	0.0727	0.0130							
LANNETT	0.0672	0.0699	0.0225	0.1112	0.1505	0.2004	0.2543	0.4277	0.4005	0.1986			
LEDERLE	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
LILLY	23.2730	28.2838	31.6982	31.7605	29.2534	28.9453	27.5400	33.4141	36.1415	35.1788	33.5739	34.3265	43.4455
LINCOLN	0.1978				SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
MALLINCKRODT	0.9859	1.1406	1.0931	0.8738	0.5026	0.2042	0.0477						
MASSENGILL (SMITHKJ)	1.5290	1.6480	1.6531	1.3663	0.9980	0.3050							
MCNEIL	0.0891	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
MERCK	0.5933	0.6430	0.4232	0.2179	0.0406								
MEYER	0.2610	0.2814	0.1223										
NATL DRUG													
NORWICH-EATON													
OTIS CLAPP	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
PERSON & COVEY	0.7025	0.4352	0.3006	0.2111	0.1097								
PHY'S DRUG & SUPPL	0.8018	0.8018	0.7289	0.7289	0.4859	0.2430							
PREMO	0.8314	0.9258	0.9331	1.1117	1.3207	1.5074	0.9974	0.4774					
REID PROVIDENT				SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
REPUBLIC	0.0166	0.0264	0.0127	0.0131									
REXALL	0.7714	0.7595	0.6006	0.5626	0.4812	0.4756	0.4109	0.3776	0.2855	0.1925	0.1137	0.0456	

* For all dosage sizes, shares derived from Parke-Davis 1 matrices, except for 100 mg, derived from Berck 100 mg matrix.

NY SETTLEMENT SHARES 25 MG

"SJ" represents that the corresponding company has been granted summary judgment in the NY Market Share proceeding. All shares are expressed as percentages.

	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
RITE-AID	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
RORER	0.1319	0.1133	0.0734										
ROWELL	0.3636	0.3850	0.2889	0.2792	0.1826	0.1336	0.1023	0.0680	0.0412			SJ	SJ
SMITH, CARROLL, DUNN	0.3328												
SMITH DORSEY (SANDO	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
SCULIBB	6.0585	7.0066	7.6307	7.5925	6.8379	6.7075	6.0069	6.4449	5.8386	4.4386	3.3974	2.3314	1.6789
STANLEY	0.6233	0.6309	1.1836	1.7613	2.2461	2.2490	1.8158	2.1831	3.3719	3.8106	3.4096	2.1733	1.3506
* SUCCESS	0.0594	0.0650	0.0769	0.0811	0.0822	0.0847	0.0583	0.0279					
TUTAG	0.3365	0.3038	0.2851	0.3038	0.2987	0.2984	0.2629	0.2471	0.1869	0.1208	0.0744	0.0477	0.0179
UPJOHN	0.6577	0.7006	0.5445	0.1887	0.0450	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
VITAFORE	0.2042	0.2405	0.2354	0.3270	0.1173	0.1245	0.0960	0.1198	0.1105	0.1074	0.0893	0.0619	0.0405
VITARINE	0.1574	0.1524	0.1514	0.1236	0.1144	0.0797	0.0584	0.0512	0.0368	0.0256	0.0170	0.0114	0.0075
VCA	0.7981	0.7981	0.7255	0.7255	0.7255	0.4836	0.2418						
WEBSTER													
WESTWARD	0.4151	0.3970	0.4162	0.4749	0.4891	0.5222	0.6011	0.6146	0.6403	0.8950	0.7855	0.4544	0.2075
WINTHROP (STERLING)	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
WYETH	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ	SJ
TOTAL	66.5041	71.2115	69.5441	67.2453	60.4755	56.0739	48.7850	54.8319	56.5090	53.0455	49.6314	49.6092	59.9603
UNALLOCATED	33.4960	28.7885	30.4559	32.7547	39.5245	43.9261	51.2150	45.1681	43.4910	46.9545	50.3686	50.3908	40.0397

* For all dosage sizes, shares derived from Pefliff 1 malices, except for 100 mg, derived from Beck 100 mg malix.